Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DIRKSEN. Mr. President, I should like to have the distinguished Senator from South Carolina [Mr. JOHNSTON], who is the Senator in charge of the bill, say something about the last proviso in the bill. The language is rather obscure. It states:

Provided, That no food product purchased pursuant to the authority contained herein shall constitute less than 50 per centum by weight of the grain from which processed, or contain any additive other than for normal vitamin enrichment, preservative, and bleaching purposes.

I believe there are some processors in the trade who are not quite sure what that language means, particularly the first clause. I am sure that it was put in there for a purpose, but there ought to be enough legislative history to point to when the time comes for interpretation of the provision.

Mr. JOHNSTON. Mr. President, the Senator from Illinois is entirely correct when he asks for that information. When the Senator first requested the information, I asked for and received a statement from the Department of Agriculture so that there would be no question in regard to it. I should now like to read to the Senate and for purposes of the RECORD the statement I received:

The proviso in the proposal legislation requiring the food product to constitute at least 50 percent by weight of the grain from which processed does not mean the product purchased by CCC must be 50 percent or more of a particular lot of grain, or that the product must have been processed directly in a continuous process from the grain. Rather, it means that the physical properties of the product are such that it shall constitute 50 percent or more of the weight of the grain in its raw commodity form which is represented in such product. For example, any products such as corn meal, gelatinized corn meal, wheat flour, grits, and bulgur which products constitute more than 50 percent of the weight of the corn or wheat from which processed could be purchased under this authority, whereas, wheat germ mono sodium glutamate and corn oil which products constitute considerably less than 50 percent of the weight of the respective grain kernels could not be purchased thereunder.

I believe that that statement clarifies the point about which the Senator from Illinois inquired.

Mr. DIRKSEN. I think that is sufficient. As my distinguished friend well knows, quite a number of questions have been asked about precisely how that provision would be interpreted. I believe the explanation is adequate.

Mr. JOHNSTON. I did not introduce the bill. The bill was not my bill. I only handled it in the committee and reported it from the committee.

Mr. DIRKSEN. Yes. I believe I ought to make a correction in what I said previously. The chairman of the committee, the Senator from Louisiana [Mr. ELLENDER], sponsored the bill to begin with.

Mr. JOHNSTON. That is correct.

Mr. DIRKSEN. There is a companion House bill. We did get an order to take up the House bill in lieu of the Senate bill.

Mr. JOHNSTON. Yes. The need for the proposed legislation grew out of the fact that since the enactment of the 1958 act, other grain food commodities such as bulgur, rolled wheat, and grits have been found to be acceptable and useful forms of grain products for relief distribution.

Mr. DIRKSEN. I believe it would be advisable in connection with the discussion to have printed at this point in the RECORD the statements on the first page of the report indicating the purpose and the need for the proposed legislation.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that those excerpts from the report be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to include bulgur, rolled wheat, grits, and other grain food products within the provisions of the act of August 19, 1958. That act provides that when the Commodity Credit Corporation has wheat or corn available for donation to needy persons, in lieu of processing such wheat or corn into flour or cornmeal, it may purchase such flour or meal in quantities equivalent to the amount of grain to be donated and sell an equivalent amount of grain on the open market. The authority provided by this act results in a considerable saving to the CCC over the former procedure of actually moving CCC grain into a processing plant and then taking delivery of and distributing the flour or cornmeal milled from that particular grain.

NEED FOR THE LEGISLATION

Since the enactment of the 1958 act, other grain food commodities such as bulgur, rolled wheat, and grits, have been found to be acceptable and useful forms of grain products for relief distribution. These products are now being procured under the old process of actually consigning CCC grain to the mill for processing and receiving back the product. As in the case of flour and cornmeal, a substantial saving may be made by purchasing the product from the processors and selling an equivalent amount of grain on the open market. The bill amends the act of 1958 to make this possible.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11846) was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, in view of the action of the Senate relative to the bill (H.R. 11846), I ask that Calendar No. 1381, Senate bill 2634, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, earlier the senior Senator from Pennsylvania [Mr. CLARK], who unfortunately had to leave for an appointment downtown, brought out the fact that he had some material available on the apportionment situation in Oklahoma. One of the strongest arguments that was cited by the distinguished Senator from Oklahoma in his very eloquent appeal to the Senate in support of the Dirksen-Mansfield amendment was that the proposed amendment would provide time, and that the legislators need time in order to reapportion. He suggested that the Supreme Court had been too precipitate in requiring action by the legislature.

Mr. President, I have before me a decision of the U.S. District Court for the Western District of Oklahoma in the case of Moss against Burkhart on August 3, 1962, more than 2 years ago, and nearly 2 years before the June 1964 decision of the Supreme Court. The district court in Oklahoma directed a population apportionment. I read from page 3 of the mimeographed copy of the decree:

Those counties having multiple senatorial districts will be districted within themselves. The matter of forming legislative districts, either house or senate, among counties is left to the discretion of the legislature, under the pertinent provisions of the Constitution with respect to substantial numerical equality, compactness, and contiguity.

As I have said, that was August 3, 1962, and the Legislature of Oklahoma was given notice and given time to move ahead. This was not something that has come up suddenly in the past few weeks in Oklahoma in the middle of their election. The legislature was served notice, 2 years ago.

Apportionment had been an issue in Oklahoma frequently, for many years. The record indicates a continuous struggle on the part of those who thought that there should be more equal apportionment; so the action is not something which was insisted upon impulsively in June 1964, by the Supreme Court.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MONRONEY. It is true that in Oklahoma, as in almost all other States, there has been a running discussion between various groups in the State over the question of the apportionment of the State legislature. The proper division between area and population representation, particularly in the upper house, is a question of long standing and almost universality within the various States of the Union.

The fact remains, however, that all this discussion, until the Court's decision of June 15, 1964, and its decision on June 22, 1964 affecting Oklahoma, had not been definitive in any way as to what Oklahoma or any other State was to do.

Our State supreme court twice, on appeals, had ruled that it had no author-

ity to direct the State legislature to reapportion. That very three-judge Federal court in November 1956, ruled, one judge dissenting—and, incidentally, one of the judges is now a court of appeals judge and participated in the most recent decision—that the Federal court had no right to intervene in an apportionment case.

It was not until the decision in 1962, to which the Senator from Wisconsin has referred, that the Federal court took cognizance of jurisdiction in apportionment cases or indicated any legal responsibility or any legal ability to deal with what it might consider malapportionment.

At that time it did not direct any course for the State to follow. In spite of the lower court's ruling, I am sure the Senator from Wisconsin recognizes the statutory right, for any case decided by a three-judge Federal district court to go directly to the Supreme Court on appeal. That appeal was taken after the lower court ruled, following the original Supreme Court decision in Baker against Carr, and was not decided by the Court until June 22, 1964—this year.

How the distinguished Senator from Wisconsin would approve this kind of action, occurring only a few months ago, and allow the Court not only to void a primary and a runoff election, but to dislocate the efforts of both the constituencies and the candidates who had been elected, and have the cost that went into the campaign for those elections held for naught, on the basis of such a decision as came down after 2 primary elections had been held, I do not know.

Being the liberal he is, I do not see how he feels this is proper consideration for the rights of the States, with respect to elections in progress, about which the Supreme Court itself cautioned when it handed down its decision on June 15, 1964.

Mr. PROXMIRE. If the Senator will yield at that point, to get all the dates in proper order, it was August 1, 1962, that the Federal court directed the legislature of the State of Oklahoma as follows:

> The matter of forming legislative districts, either house or senate, from the counties is left to the discretion of the legislature, under the pertinent provisions of the constitution with respect to substantial numerical equality, compactness, and continuity. Five months hence, when the legislature convenes, it must apportion itself in accordance with the constitutional mandate or be judicially reapportioned. We have withheld judicial reapportionment on the solemn word of the intervening legislators that once their constitutional duty is uneqivocally and inescapably clear, they will discharge it with befitting honor and fidelity.

Then on July 18, 1963, after the legislature had reconvened, and after it was clear, in the judgment of the Federal court, that the right of a substantially equal vote was not to be afforded Oklahoma citizens, the district court said this:

> After a careful consideration of all the exigencies, we have reluctantly decided to reapportion the Oklahoma Legislature by judicial decree because we are convinced—

This was in July 1963—

> from all that has transpired in these prolonged proceedings, that the legislature, as now constituted, is either unable or unwilling to reapportion itself in accordance with our concept of the requirements of the equal protection clause of the 14th amendment.

So here we have the Court, in mid-1963, having requested the State legislature to apportion itself 1 year earlier, and having referred the solemn word of the Oklahoma Legislature, being flatly rebuffed.

Ample time was allowed. The Oklahoma Legislature was allowed time to act. It did not act.

It was only after that that the court proceeded and, as I have said, proceeded unwillingly and reluctantly, to decide to go ahead if that right was to be protected.

Then it was decided by the State of Oklahoma—those who wanted to prevent population apportionment—to appeal to the Supreme Court. They decided to delay by appeal of the Federal district court decision. Of course, the Supreme Court had to act on the basis of what was represented to the Court. Then on June 22, 1964, it affirmed the lower court judgment, the judgment of the district court for the western district of Oklahoma.

On the basis of this timing, it seems to me clear that the Court's action was not sudden. It was on 2 years' notice. The legislature knew it was going to take place. There was ample time. It was the initiative of the State of Oklahoma to appeal. The fact that the Oklahoma Legislature was not prepared with the ordered apportionment the Federal Court had directed, it seems to me was the responsibility of the Oklahoma State Legislature, and those who opposed the reapportionment ordered by the Court.

Mr. MONRONEY. I thank the Senator for his study of the case. But I am sure he realizes that the State of Oklahoma, as is true in the State of Wisconsin or any other sovereign State is entitled to appeal from a decision of the Federal district court. There is a specific provision for a direct appeal to the Supreme Court from a decision of a three-judge Federal court. Does the Senator wish to deny the State of Oklahoma the right of appeal? Does he assume that the State of Oklahoma should have tuned in on the thought waves of the Supreme Court as to what it thought was proper apportionment? The State of Oklahoma did what any other State would do, and that was to appeal the decision, which the State thought was in error, to the Supreme Court. This order was stayed by the Supreme Court, and it had no effect until the decision of June 22, 1964. I do not think the Senator would wish his State to have complied with such an order to the Wisconsin Legislature. It was not a request. It was a direction to come forward with a plan of reapportionment or the Federal Court would put in its own. I know of no case in recent history where the Federal courts have dictated to the legislatures; and I have served in the U.S. Congress for some time. I have never known how a Federal court would go about enforcing such an order. I do not know, even between these two great legislative bodies, how we would go about meeting the ideas of the Court.

Mr. PROXMIRE. If the Senator will yield, if we do not rely on the decisions of the State courts or the U.S. Supreme Court there is no recourse. It is unfortunate that in practically all the States the legislatures reapportions itself. It is common knowledge that this is an extraordinarily difficult thing to do, because of the shift in population. If we are to apportion on any kind of population representation basis it will be painful for the legislature to act. The legislatures have resisted it again and again. It is only with intervention that it can be done.

Mr. MONRONEY. I regret that the Senator did not hear a portion of my speech. One of the moves toward fair apportionment was action by our State legislature in the submission of a constitutional amendment to provide for a reapportionment commission.

In the final analysis, the decision will be made by the State of Oklahoma, not in a Federal courtroom. This is a procedure that even the three-judge court found constitutional.

Mr. PROXMIRE. I see nothing wrong with that.

Mr. MONRONEY. Is that not what the Senator and I have discussed, pointing out that we are just as well apportioned in our upper house—and that is where most of the malapportionment occurs in most States—as is the State of Pennsylvania? The distinguished Senator from Pennsylvania and I discussed this subject on the floor of the Senate, when he referred to the rotten borough system. We have just about the same apportionment as Pennsylvania. Forty-four and a half percent of the people are able to elect a majority. The Senator from Pennsylvania stated that in his State the percentage is 42.4. Therefore, the State of the Senator from Pennsylvania is a little more out of compliance than is the State of Oklahoma. We have moved forward. This is a result of an effort made by the State legislature and the State supreme court, to comply with the order of the Court, which was vague as to the details, only holding up a bright, shiny light toward which we were to move for a better proportion of representation.

The Court order on reapportionment, which was to be put in force in the decision of June 17, 1963, unless the legislature saluted and obeyed and acted quickly, was far different from the recent order of the Court that was made in the State of Oklahoma. Two different districting systems were used.

This later decision was orally pronounced on August 1, if I am correct, not too many days ago. My understanding is—and we checked this point as late as 1 o'clock today—that the three-judge Federal court has yet to complete its final order on how we are to redistrict, at this late date. Yet my friend from Wisconsin expects us to cancel out the

May primary elections and to throw our remaining elections into confusion.

We have been ordered to hold an election of virtually all of the Members of the House and of the Senate. This would detract from the active consideration of the other offices, such as the Presidency of the United States and congressional nominations, including a seat in the U.S. Senate, while this extraordinary, sudden death primary ordered by the Federal court is held.

Who gave the Federal court the right to suspend Oklahoma State law requiring a runoff primary? Who gave it the right to make election laws for the State of Oklahoma? That is how far reaching it is. This disrupts the normal, time-tested elections laws of the State of Oklahoma.

Mr. PROXMIRE. First, there may be some disruption and some difficulty and a great deal of inconvenience. However, as I understand, the Governor has set a special primary election on September 29, 1964. This is in compliance, presumably, with the district court order. This will take place unless a Justice of the Supreme Court grants a stay. It is settled.

On the other hand, if the Dirksen amendment is adopted it could very well mean in Wisconsin that the apportionment that was already approved by the Supreme Court of Wisconsin would be thrown out.

Mr. MONRONEY. Has it been approved by a three-judge court?

Mr. PROXMIRE. Our primary election will be held on September 9. It would mean that that election might have to be held over again, and that it might be thrown out.

Mr. MONRONEY. Ours is thrown out, unless Congress acts, or a court, by one judge, grants a stay on our appeal from the situation that the court has created.

Mr. PROXMIRE. That might be. There is no easy solution to this problem. There is no happy solution to it. The court had allowed time for the Legislature of Oklahoma to redistrict. I call attention to the fact that the language was very clear. The solemn word of the legislators was secured that they would apportion. Time was allowed. A full session was allowed. It was only then, more than a year ago, that it was concluded that they never would get apportionment that way.

Mr. MONRONEY. The Senator is talking about the lower court decision. That was appealed to the United States Supreme Court. A stay had been granted. In other words, the local court's decision had no force and effect until it was settled by the decision generally approved on June 15, 1964 and specifically, as to Oklahoma, on June 22, 1964.

There was nothing in the original decision to firmly establish guidelines for redistricting and reapportionment and there were none until the one-vote, one-man principle came down. In its last decision the Supreme Court said:

> In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes.

I charge that this is what is happening in my State and what will happen in many other States.

The idea that any legislature could read with any degree of certainty or finality what the Court wished us to do in its original decision is pure wishful thinking.

The three-judge court which directed our legislature to comply did not know what the Supreme Court was thinking, or else, I presume, it would have reinstated and directed that the previously directed apportionment plan was to be put into effect instead of the one that they directed to be put into effect.

How can a State comply without due notice and due time to act in such an important matter as choosing the make-up of a legislature?

This decision not only set up new districts, but it invalidated the election of Senators who still had 2 years to serve. It mixed up the candidates far beyond the districts in which the election had been held. A man who might have been nominated in two counties found himself running in counties where constituents had not heard of him and with him not knowing very much about the constituency.

Mr. PROXMIRE. I know that the Senator from Florida [Mr. HOLLAND] has been patiently waiting to bring up a conference report, so I shall be very brief.

Mr. HOLLAND. I shall be glad to wait until the Senators have concluded their colloquy.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Florida for the purpose of bringing up his conference report. After he has concluded, the Senators from Oklahoma and Wisconsin will resume their colloquy.

Mr. HOLLAND. I appreciate the kindness of the Senators from Wisconsin and Oklahoma.

Mr. TOWER. Mr. President, will the Senator from Florida yield me 3 minutes?

Mr. HOLLAND. I yield 3 minutes to the Senator from Texas.

INACCURATE, BIASED REPORTING BY DREW PEARSON

Mr. TOWER. Mr. President, I wish to introduce into the RECORD today an example of inaccurate, biased reporting on the part of one of our nationally syndicated columnists and commentators. The article has caused a great deal of heartache on the part of everyone concerned.

Mr. Drew Pearson authored an article published on August 4 in which he said the President of Costa Rica, while on a state visit to this country and a guest at the King Ranch in Texas, "was so shocked at Fascist conversation that a protest was made to the State Department."

Mr. Pearson said the guests from Cost Rica were "dumfounded to hear some of their hosts talk with glee about the assassination of President Kennedy."

This is completely untrue, as will be documented shortly by the introduction of correspondence between the State Department and myself, and between the Costa Rican Embassy and Mr. Richard M. Kleberg, Jr., of the King Ranch.

I will go into that further in a moment, but as of now it is sufficient to point out that the Costa Rican Embassy, after a telephone conversation with Costa Rican President Orlich and Foreign Minister Oduber, says Mr. Pearson's article "is not only untrue but an absurd fabrication."

This is another example of a columnist allowing his pet hate to get the better of his judgment and direct the course of his pen. Mr. Pearson is apparently so intent on writing something that he thinks will harm the presidential aspirations of Senator GOLDWATER that he will go to any length to accomplish his end. In this article, for example, he goes to great length to smear the Kleberg family in Texas, a pioneer family that has contributed greatly to the growth and development of our State. The reason for this, of course, is so that he will then be able, by the process of guilt by association, to point out that "most of the Kleberg family were ardent Goldwaterites," and that "Richard Kleberg, Jr., and his daughter were the most reactionary Goldwaterites" who were present at the gathering at which the alleged "fascist conversation" took place.

Mr. Pearson does not identify the source of his information. He states the matter flatly as truth. The only trouble, from Mr. Pearson's viewpoint, is that those who were present, from President Orlich on down, say that no such conversation took place, that they had a delightful time as guests of the King Ranch, and that no protest was made to our State Department. Our own State Department agrees.

It is exceedingly unfortunate that Mr. Pearson, in his continuing zeal to damage Senator GOLDWATER, should so smear and malign honorable people.

It is unfortunate that a report of this kind should cloud an otherwise happy and successful visit to this country by the President of Costa Rica and his staff.

I know the Kleberg family personally. I know them to be gracious and tolerant, as well as patriotic and hard working. I know they would never do the things attributed to them by Mr. Pearson.

With that background, Mr. President, I wish to place in the RECORD certain articles and correspondence concerning this matter, in order that the Senate, and the American people, may know the truth.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "King Ranch Awes, Worries Costa Rica Chief," written by Drew Pearson and published in the Wichita Falls, Tex., Record-News of August 4, 1964; a letter dated August 10, 1964, from the State Department to me; a letter dated August 6, 1964, from the Ambassador of Costa Rica to Mr. Kle-